

REMARKS

The Examiner's careful review and examination of the subject application are noted and appreciated. Applicants' representative respectfully thanks Examiner for the interview conducted on August 25, 2005. During the interview, Applicants' representative distinguished the present invention from Suzuki by showing that the system disclosed by Suzuki does not share a reactant between the fuel cell and the battery. Examiner agreed with the showing by Applicants' representative, but stated that the anticipation rejection over Suzuki will require further consideration.

The presently pending claims have been renumbered as claims 1-23 due to the omission of claim 2 in the patent application as originally filed.

The present invention relates to a vehicle drive system comprising an electric motor, a hybrid fuel cell comprising a fuel cell portion and a rechargeable battery portion, and a hydrogen storage unit for storing and supplying hydrogen to said hybrid fuel cell, the fuel cell portion and the rechargeable battery portion operating alone or in tandem to power said electric motor and sharing at least one reactant.

Applicants have carefully reviewed the above-identified Office Action. Applicants contend that, in view of the clarifying remarks set forth herein, all bases of objection and rejection have been overcome. Accordingly, Applicants respectfully request withdrawal

of the pending rejections and allowance of the claims submitted.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

For the reasons which follow hereinafter, the rejection of claims 1-3 and 20-24 under 35 U.S.C. §102 as being anticipated by Suzuki et al. has been obviated by appropriate amendment and should be withdrawn.

Suzuki et al. discloses a fuel cell system and method of operating fuel cell system (Title). The fuel cell system includes a fuel cell and a battery (sect. 0016-0020). During operation, hydrogen generated by the battery is supplied to the fuel cell through a hydrogen supply channel (Sect. 0020).

In contrast, the presently pending invention claims a fuel cell portion and a battery portion sharing at least one reactant. Suzuki et al. do not disclose sharing at least one reactant as presently claimed. In particular Suzuki et al. discloses supplying hydrogen generated by the battery to the fuel cell. In this case hydrogen generated by the battery is not a reactant used by the battery but a reaction product from the battery. Examples of reactants disclosed in the specification are hydrogen, oxygen, and consumable metals. (See page 18 lines 17-22 of the specification as originally filed). As such, the presently pending invention is readily distinguishable and clearly patentable over the cited reference and the rejection should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

For the reasons which follow hereinafter, the rejection of claims 4-7 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Ovshinsky et al. (U.S. Pat. Application No. 2004/0248005) has been obviated by appropriate amendment and should be withdrawn. Claims 4-7 depend indirectly from Independent Claim 1, which is now believed to be allowable.

For the reasons which follow hereinafter, the rejection of claims 8-12, 14, 15, and 19 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Ovshinsky et al. (U.S. Pat. No. 6,447,942) has been obviated by appropriate amendment and should be withdrawn. Claims 8-12, 14, 15, and 19 depend indirectly from Independent Claim 1, which is now believed to be allowable.

For the reasons which follow hereinafter, the rejection of claims 13, 18, and 19 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Menjak et al. (U.S. Pat. Application No. 2003/0059664) has been obviated by appropriate amendment and should be withdrawn. Claims 13, 18, and 19 depend indirectly from Independent Claim 1, which is now believed to be allowable.

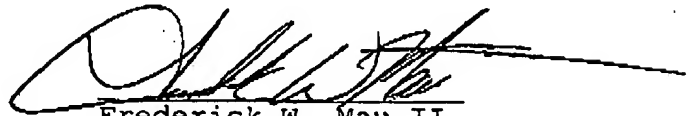
For the reasons which follow hereinafter, the rejection of claims 14-17 under 35 U.S.C. §103 as being unpatentable over Suzuki et al. in view of Stachurski et al. (U.S. Pat. No. 3,532,548) has been obviated by appropriate amendment and should be withdrawn. Claims 17-17 depend indirectly from Independent Claim 1, which is

now believed to be allowable.

Accordingly, Applicant submits that the present amendment places the application in condition for allowance. The Examiner is respectfully requested to pass the application to issuance.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

Respectfully submitted,



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